



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/780,490      | 02/09/2001  | Marco Graziano       | M-9823 US           | 8135             |

23639 7590 04/14/2003

BINGHAM, MCCUTCHEN LLP  
THREE EMBARCADERO, SUITE 1800  
SAN FRANCISCO, CA 94111-4067

EXAMINER

BARNES, CRYSTAL J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2121

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/780,490

Applicant(s)

GRAZIANO ET AL.

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 14 line 15. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-13, 15, 16, 25, 26, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2002/0156860 A1 to Finke et al.

As per claims 1, 25 and 26 wherein a method for remotely monitoring and/or controlling a home device performed on a web-based host, the method comprising establishing a connection [input modules] with a remote device [remote client/remote device]; receiving monitoring and/or control information [control, monitoring, remote information tasks] from the remote device [remote client/remote device]; establishing a connection [action module] with a home [home, office, other space]; and communicating [sending] the monitoring and/or control information [control, monitoring, remote information tasks] to the home [home, office, other space], wherein the monitoring and/or control information [control, monitoring, remote information tasks] causes monitoring information [monitoring/status functions] to be obtained from a home device [objects] in the home [home, office, other space] and/or causes the a home device [objects] in the home [home, office, other space] to be controlled [control functions]; the Finke et al. reference discloses an improved system which integrates the electric objects in a home, office, or other space into a control and monitoring network (see Abstract). Input modules serve to connect a user's remote device to the personal server (see figures 1, 2 and page 2 paragraph 25). Action modules are the software objects that actually carry out instructions specified by the user and

obtain status information from the networked objects (see page 3 paragraph 30).

The Personal Server is typically used to control and monitor the following types of objects (see page 4 paragraph 63).

As per claims 2 and 10 further comprising receiving authentication [authentication] information from the remote device [remote client/remote device] and determining at the web-based host [personal server] whether a user [user] of the remote device [remote client/remote device] has permission to access the home [home, office, other space]; the Finke et al. reference discloses security monitoring as an active module (see figure 1B). Schedule/Router maintains information on user authentication and security information (see page 2 paragraph 26). The user may authorize third-party access to some or all of the control and monitoring systems of the Personal Server (see page 3 paragraph 45).

As per claims 3 and 11 further comprising communicating graphical interface files [remote information task] to the remote device [remote client/remote device], the graphical interface files [remote information task] for allowing a user [user] of the remote device [remote client/remote device] to select a home device [object] to monitor and/or control and for allowing the user [user] of the remote device [remote client/remote device] to specify how to monitor and/or control the

home device [object]; the Finke et al. reference discloses remote information tasks, such as file exchange, can also be carried out by the Personal Server, using the remote client as the interface (see page 1 paragraph 9). One current use is the transfer of computer files between the Remote Client and the Personal Server (see page 5 paragraph 76). These files may be used as part of the various control and monitoring features of the Personal Server (see page 5 paragraph 77).

As per claims 4 and 12 further comprising encrypting the monitoring and/or control information before the monitoring and/or control information is communicated to the home; the Finke et al. reference discloses the input modules also serve to encrypt and decrypt messages, as necessary (see page 3 paragraph 28). The Remote Client also generally uses the minimum amount of the encryption and authentication necessary to preserve security (see page 3 paragraph 36).

As per claims 5 and 13 further comprising receiving home device status information [monitoring/status information] in response to the step of communicating the monitoring and/or control information [control and monitoring information tasks] from the web-based host [personal server] to the home [home, office, other space] and communicating the home device [object] status information [monitoring/status information] to the remote device [remote

client/remote device]; the Finke et al. reference discloses the user enters information concerning the desired action into the remote device (see page 3 paragraph 48-52). The input module uploads the information from the remote device, creates a message, and alerts the schedule/router (see page 4 paragraph 53-54). The scheduler/router passes the message to the VCR action module, which in turn sends the instructions to the VCR (see page 4 paragraphs 55-56). The remote device displays relevant status information to the user (see page 4 paragraph 59).

As per claims 7 and 15 wherein the remote device [remote client/remote device] is a wireless telephone [cell phone], a wireless personal digital assistant [handheld PDA], or a wireless computer [laptop]; the Finke et al. reference discloses a server-like apparatus that controls a network, frequently wireless, in the home or office (see page 1 paragraph 8). Figure 5 shows an embodiment of Home Pad on a more graphically limited remote client, namely, a cell phone (see page 2 paragraph 15). The remote device is based in a handheld PDA. In some cases, a laptop or even desktop computer will act as the remote device. (See page 3 paragraph 34.) Remote devices may use a variety of physical connection and data

transfer protocols to communicate with the personal server (see page 3 paragraphs 37-39).

As per claims 8 and 16 wherein the remote device [remote client/remote device] is a wired telephone, a wired personal digital assistant [handheld PDA], or a wired computer [desktop computer]; the Finke et al. reference discloses the remote device is based in a handheld PDA. In some cases, a laptop or even desktop computer will act as the remote device. (See page 3 paragraph 34.) Remote devices may use a variety of physical connection and data transfer protocols to communicate with the personal server (see page 3 paragraphs 37, 40-41).

As per claim 9 wherein a computer system for remotely monitoring and/or controlling a home device, the computer system comprising one or more computers [personal server] connected to one or more remote devices [remote client/remote device] via a network [network]; one or more computer programs [computer software] executable by the computers [personal server], wherein the computer programs [computer software] comprise computer instructions [robust and flexible interface] for establishing a connection [input modules] with a remote device [remote client/remote device]; receiving monitoring and/or control information [control and monitoring information tasks] from the remote device [remote



client/remote device]; establishing a connection [action modules] with a home [home, office, other space]; and communicating [sending] the monitoring and/or control information [control and monitoring information tasks] to the home [home, office, other space], wherein the monitoring and/or control information [control and monitoring information tasks] causes monitoring information [monitoring/status functions] to be obtained from a home device [object] in the home [home, office, other space] and/or causes the a home device [object] in the home [home, office, other space] to be controlled [control functions]; see the rejection of claim 1.

As per claim 30 wherein the home device [object] is a stand-alone device [remote-ready objects, non-remote-ready objects, other objects], a peripheral device [remote-ready objects, non-remote-ready objects, other objects], a personal computer [other object], or a television set-top box [remote-ready object]; the Finke et al. reference discloses remote-ready objects that are already remote-capable (see page 4 paragraph 66). The user generally will wish to program the VCR from a remote device rather than from the personal server itself (see page 4 paragraph 68). Non-remote-ready objects are those objects that typically are not remote capable (see page 4 paragraph 70). There are a number of

other objects that can be controlled and monitored with the personal server (see page 5 paragraph 73). The types of objects that can be incorporated into the personal server system are almost limitless (see page 5 paragraph 74).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0156860 A1 to Finke et al. in view of US Pub. No. 2002/0035403 A1 to Clark et al.

As per claims 6, 14 and 27 further comprising establishing a connection with the home if a home device in the home has detected an event, receiving information which describes the event, and communicating the information which describes the event to a user; the Finke et al. reference does not expressly disclose establishing a connection with the home if a home device in the home has

detected an event, receiving information which describes the event, and communicating the information which describes the event to a user.

The Clark et al. reference discloses the preferred data acquisition and control system 60 and the remote server 100 also include software algorithms for detecting a particular error condition or status, and then for alerting a desired recipient via email, direct pager contact, or other communication methods, and/or activating an audible alarm (see page 2 paragraph 32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the monitoring active modules of the personal server system taught by the Finke et al. reference with the software algorithms for detecting a particular error condition or status taught by the Clark et al. reference to ensure that a desired recipient was notified of the particular error condition or status.

One of ordinary skill in the art would have been motivated to modify the personal server system with another active module including software algorithms for detecting a particular error condition or status to illustrate another aspect of monitoring/status functions of the personal server system.

6. Claims 17-21, 23, 24, 37, 38 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0156860 A1 to Finke et al. in view of logical reasoning.

As per claims 17-21, 23, 24, 37, 38 and 40-42 wherein a computer readable storage medium storing one or more computer programs executable by one or more computers, one or more of the computer programs comprising computer instructions; the Finke et al. reference discloses the personal server comprises software run on a general purpose computer (see page 2 paragraph 20). Also see rejections of claims 1-5, 7, 8, 25, 26 and 28-30 above.

The Finke et al. reference does not expressly disclose a computer readable storage medium.

However, it would be logical to reason that a general-purpose computer comprises some type of memory to store software.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to assume that the general-purpose computer taught by the Finke et al. reference comprises some type of memory to store the software architecture.

One of ordinary skill in the art would have been motivated to assume that a computer readable storage medium was inherent in the general-purpose computer.

7. Claims 22 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0156860 A1 to Finke et al. in view logical reasoning as applied to claims 17-21, 23, 24, 37, 38 and 40-42 above, and further in view of US Pub. No. 2002/0035403 A1 to Clark et al.

As per claims 22 and 39 wherein the computer programs further comprise computer instructions for establishing a connection with the home if a home device in the home has detected an event; receiving information which describes the event; and communicating the information which describes the event to a user; see rejection of claims 6 and 27.

The Clark et al. reference discloses the preferred data acquisition and control system 60 and the remote server 100 also include software algorithms for detecting a particular error condition or status, and then for alerting a desired recipient via email, direct pager contact, or other communication methods, and/or activating an audible alarm (see page 2 paragraph 32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the monitoring active modules of the personal server system taught by the Finke et al. reference with the software algorithms for detecting a particular error condition or status taught by the Clark et al. reference to ensure that a desired recipient was notified of the particular error condition or status.

One of ordinary skill in the art would have been motivated to modify the personal server system with another active module including software algorithms for detecting a particular error condition or status to illustrate another aspect of monitoring/status functions of the personal server system.

8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0156860 A1 to Finke et al. in view of USPN 6,405,261 B1 to Gaucher.

As per claims 28 and 29 further comprising communicating with a home device [device, appliance] via a radio frequency connection [RF wireless transmission] and a power line connection [AC power network 14].

The Finke et al. reference does not expressly disclose communicating with a home device via a radio frequency connection or power line connection.

The Gaucher reference discloses an automatic multi-rate wireless/wired computer network that creates both a wired network (via AC power line) and a wireless network (via radio) around the computer with which new devices can be seamlessly added, without significant human intervention (see column 2 lines 38-43). The multi-rate wireless/wired computer network 10 is implemented on an AC power network 14 which is situated in an indoor environment (see figure 3 and column 4 lines 55-58). Network box 16 could be hard wired to the telephone line or connected thereto via another wireless connection (see column 5 lines 2-5). Network 16 creates an intelligent RF field 15 around computer 12 and the entire AC power network 14 (see column 5 lines 38-42). The controller 100 in the master is the heart of the system, distributing data and control throughout the network, allowing communications from PSTN to Peer, Peer to Peer, Peer to AC power line, AC power line to PSTN, and of course, master to any device connected to the network (see column 8 lines 38-42).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the wireless/wired computer network

taught by the Gaucher reference into the personal server system taught by the Finke et al. reference to utilize a personal server when remotely monitoring and/or controlling a home device.

One of ordinary skill in the art would have been motivated to incorporate the wireless/wired computer network into the personal server system to utilize a personal server when remotely monitoring and/or controlling a home device since handheld devices for remotely monitoring and/or controlling a home device are generally limited in terms of processing power, memory, and display capabilities (see Finke et al. page 3 paragraph 34).

9. Claims 31, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,650,940 to Tonozuka et al. in view of USPN 6,405,261 B1 to Gaucher.

As per claim 31 wherein an apparatus for monitoring and/or controlling a home device, the apparatus comprising a microprocessor [data processing unit 172]; a memory [memory unit 176] connected to the microprocessor [data processing unit 172]; and one or more computer programs [various data and programs] executable by the microprocessor [data processing unit 172], wherein the computer programs



[various data and programs] comprise computer instructions [data transmission unit 171] for establishing a connection with a web-based host [central monitoring device 120]; and receiving monitoring and/or control information from the web-based host [central monitoring device 120]; the Tonozuka et al. reference discloses the supervising personnel, located at a remote location, makes an access to the central monitoring device 120 by connecting the portable monitoring device 170 to the data transmission line 160 through the MODEM device 150 (see figures 2, 3 and column 5 lines 33-42). In response to the access made by the portable monitoring device 170, the data transmission unit 123 admits the access to the central monitoring device 120 and the temporarily stored information concerning the occurrence of the abnormality is transmitted to the portable monitoring device 170 through the MODEM devices 140 and 150 and the data transmission line 160 (see column 5 lines 43-49).

As per claim 32 further comprising communicating the monitoring and/or control information [monitoring/recovery operations] to a home device [process to be monitored 110] thereby causing monitoring information [monitoring operation] to be obtained from the home device [process to be monitored 110] and/or causing the home device [process to be monitored 110] to be controlled [recovery

operation]; the Tonozuka et al. reference discloses the monitoring operation with respect to a process to be monitored 110 is carried out by collecting various data on the process to be monitored 110 in order to detect the occurrence of the abnormality in the process to be monitored (see figure 2, 3 and column 5 lines 9-17). In response the necessary recovery operations are carried out according to the commands given from the supervising personnel using the portable monitoring device 170 (see column 6 lines 3-11).

As per claim 34 further comprising communicating with a home device [process to be monitored 110] via a radio frequency connection [radio transmission call service network], the Tonozuka et al. reference discloses the notification of the occurrence of the abnormality in the process to be monitored 110 from the central monitoring device 120B to the supervising personnel using the portable monitoring device 170B is realized by utilizing a radio transmission call service network (see figures 4, 5 and column 9 lines 31-38). All the communication between the central monitoring device 120B and the portable monitoring device 170C are realized by utilizing a radio transmission call service network (see figures 6, 75 and column 12 lines 22-32).

The Tonozuka et al. reference does not expressly disclose a home device.

As per claims 34 and 35 further comprising communicating with a home device [process to be monitored 110] via a radio frequency connection and a power line connection, the Tonozuka et al. reference does not expressly disclose communicating with a home device via a power line connection.

As per claim 36 wherein the home device is a stand-alone device, a peripheral device, a personal computer, or a television set-top box, the Tonozuka et al. reference does not expressly disclose the home device is a stand-alone device, a peripheral device, a personal computer, or a television set-top box.

The Gaucher et al. reference discloses an automatic multi-rate wireless/wired computer network that creates both a wired network (via AC power line) and a wireless network (via radio) around the computer with which new devices can be seamlessly added, without significant human intervention (see column 2 lines 38-43). The multi-rate wireless/wired computer network 10 is implemented on an AC power network 14 which is situated in an indoor environment (see figure 3 and column 4 lines 55-58). The appliance 40 can be any household or office appliance (see column 5 lines 63-65).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the process to be controlled as taught by the

Tonozuka et al. reference with the wireless/wired computer network taught by the Gaucher reference to provide another exemplary site to utilize the portable monitoring device of the process monitoring system.

One of ordinary skill in the art would have been motivated to modify the process to be controlled with the wireless/wired computer network to provide a process monitoring system capable of notifying the occurrence of the abnormality in the wireless/wired computer network and providing the information concerning the abnormality to a user located at a remote location in real time.

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,650,940 to Tonozuka et al. in view of US Pub. No. 2002/0035403 A1 to Clark et al.

As per claim 33 further comprising communicating with a home device [process to be monitored 110] to determine whether the home device [process to be monitored 110] has detected an event [abnormality]; and if an event [abnormality] has been detected by the home device [process to be monitored 110], establishing a secure connection with the web-based host [central monitoring

device 120] and communicating the event [abnormality] to the web-based host [central monitoring device 120]; see rejections of claims 31 and 32.

The Tonozuka et al. reference does not expressly disclose establishing a secure connection with the web-based host.

The Clark et al. reference discloses persons of ordinary skill in the art will understand that, in certain unsecured applications, the username/password requirements could be omitted, and that the roles of the PPP connection (including password protections, etc.) are reversible, i.e., with the server 100 acting as the PPP server, accepting connections from numerous devices 70A (see page 4 paragraph 42). If instead the server cannot authenticate the user, the PPP connection is immediately terminated (see figure 4A and page 4 paragraph 43). If the FTP server instead cannot authenticate the user, the FTP session is immediately closed (see figure 4B and page 4 paragraph 44).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the unsecured connections taught by the Tonozuka et al. reference with the secured connections taught by the Clark et al. reference depending on the environment to be monitored and/or controlled.

One of ordinary skill in the art would have been motivated to modify the connections to increase the number of industry applications (secured and unsecured) to which the monitored and/or controlled system could be applied.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to remotely monitoring and/or controlling devices in general:

USPN 6,104,785 to Chen

USPN 6,437,692 B1 to Petite et al.

USPN 6,480,586 B1 to Hayes et al.

KR Pub. No. 2002032164 A to AHN et al.

KR Pub. No. 2002001090 A to KIM et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is

Application/Control Number: 09/780,490  
Art Unit: 2121

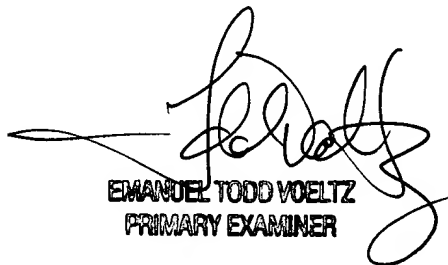
Page 22

703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 703.305.8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

cjb  
April 3, 2003



EMANUEL TODD VOELTZ  
PRIMARY EXAMINER